

APPEAL NO. 020983  
FILED MAY 29, 2002

Following a contested case hearing held on April 4, 2002, pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), the hearing officer resolved the disputed issue by determining that the respondent's (claimant) compensable injury of \_\_\_\_\_, extends to and includes injuries to the L3-4 and L5-S1 spinal levels. The appellant (carrier) has appealed on sufficiency of the evidence ground, contending that the hearing officer's statement of the evidence reflects in several particulars how he has misread and misanalyzed the medical evidence as well as the carrier's motivation in disputing the extent of the claimed injury. The claimant filed a response urging affirmance.

DECISION

Affirmed.

The parties stipulated that on \_\_\_\_\_, the claimant sustained a compensable injury that included an injury to the L4-5 intervertebral level of his lumbar spine; the claimant took the position that he also sustained injuries to the L3-4 and L5-S1 levels at that time. As for an approximate seven-year gap in treatment for his spinal injury, the claimant testified that he repeatedly attempted to get his back injury "reinstated" for additional treatment but was continually told he has an "old law" injury and was not entitled to lifetime medical treatment; that it took him a long time to finally obtain additional treatment; and that the later testing supports his position. The carrier maintained that the claimant's injury of \_\_\_\_\_, was limited to the L4-5 level and that the subsequent symptoms and diagnostic findings at L3-4 and L5-S1 are the manifestation of progressive degenerative disc disease and are not attributable to the \_\_\_\_\_, injury. The claimant's treating doctor reported on May 21, 2001, that the claimant had an old industrial injury in 1991 with an old disc protrusion at L3-4 on the left, a diffuse bulge at the L4-5 level, and a focal herniation at L5-S1, and that "the pathology was there in 1991 and has gotten worse since that time, as one would expect with a progressive problem." The treating doctor wrote on August 10, 2001, that he received correspondence to the effect that the claimant's problem was not related to his compensable injury; that he, the treating doctor, had reviewed all the records back to 1991; and that "there is no question in [his] mind that [the claimant] has had this problem since 1991." The hearing officer found that on \_\_\_\_\_, when the claimant injured his lumbar spine at the L4-5 level, he also sustained injuries at that time to the L3-4 and L5-S1 levels and concluded that the claimant's compensable injury extends to and includes injuries to the latter levels. We are satisfied that the challenged factual determinations of the hearing officer, who is the sole judge of the weight and credibility of the evidence, are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEM  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge